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KITZINGEN LAW CENTER LEADERSHIP PROFESSIONAL DEVELOPMENT
AR 600-20 ARMY COMMAND POLICY
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OVERVIEW

Basic responsibilities of command, military discipline and conduct and enlisted aspects of command. Defines responsibilities on NCOs. Guidance on Family Care Plans, religious practices, fraternization, and the Army EO program.

COMMAND POLICIES

- **Open door policies must be established and publicized. Soldiers must ensure the commander is made aware of problems that affect discipline, morale, and mission effectiveness. (Para. 2-2)**

PERFORMANCE COUNSELING

- **Commanders must ensure all members of command receive timely performance counseling. (Para. 2-3)**

ASSUMPTION OF COMMAND

- **Chapter 2 explains procedures and limitations and contains example assumption of command orders.**
- **Note: Assumption of command by a junior officer in the same grade requires G.O. approval**
- **(Paras. 2-5 & 2-7)**

SUCCESSORS IN COMMAND

- Successor assumes the duties of the predecessor
- Successor assumes responsibility for all orders in force and all public property and funds of the command
- (Para. 2-12)

RELIEF FOR CAUSE

- When senior commander loses confidence in junior's ability to command due to misconduct, poor judgment, inability to complete assigned duties, or other similar reasons
- Relief normally preceded by formal counseling unless such action not deemed appropriate or practical
- Any senior commander may suspend, but the first GO in the chain of command must give written approval to relieve. Any action to relieve prior to GO written approval is only a temporary suspension.
- For Relief OERs, see AR 623-105 & AR 623-205.
- If based on informal 15-6, must wait for that process to end - may suspend in the interim

RELIEF FOR CAUSE

USAREUR Requirements:

- USAREUR Command Policy Letter15 (1) Officers in command positions will not be relieved unless the first GO in the officer's COC approves in writing. May be suspended pending decision. (2) For 05 commanders and above, a GO in COC must notify Commanding General, USAREUR prior to relief.
- USAREUR Reg. 614-2, para. 20c. Officer releived for cause must receive adverse OER. For Relief OERs, see AR 623-105 & AR 623-205.

NCO DUTIES

- Transmitting, instilling and ensuring the efficacy of the professional Army ethic.
- Planning and conducting day-to-day unit operations within prescribed policies and directives
- Training of enlisted soldiers in their MOS as well as basic skills and attributes of soldiers
- Supervising unit physical fitness training and ensuring that unit soldiers comply with weight and appearance standards of AR 600-9 & 670-1
- Teaching soldiers the history of the Army, to include military customs courtesies and traditions
- Caring for individual soldiers and families on and off duty

NCO DUTIES

- Teaching soldiers the mission of the unit and developing individual training programs to support the mission
- Accounting for and maintaining individual arms and equipment of enlisted soldiers and unit equipment under their control
- Administering and monitoring NCOPD and other unit training.
- Achieving and maintaining courage, candor, competence, commitment and compassion
- (Para. 3-2)

NCO DISCIPLINARY AUTHORITY

- Authority to apprehend any person subject to trial by court-martial
- Commander may authorize NCO E7 or above to deliver a DA Form 2627 and conduct first reading. NCO recommendations should be sought about NJP.
- As assistants to commanders, may administer minor nonpunitive corrective actions
- (Para. 3-2)

CORRECTIVE TRAINING

- **Must be directly related to the deficiency - oriented to improvement**
- **May be after normal duty hours**
- **Only continues until deficiency is overcome, then noted in records**

ASSOCIATION MEMBERSHIP

- DA support of private organizations is strictly regulated
- Membership must be voluntary - no coercive practices
- May not imply DA sponsorship or endorsement of the organization
- May not use government property, facilities or services (e.g. golf course, club) as inducement to join

EXTREMIST ORGANIZATIONS

- **Participation in organizations and activities is inconsistent with military service**
- **Commander responsible to enforce equal opportunity and treatment for all soldiers. Has inherent authority to take appropriate actions to maintain good order and discipline. Must educate soldiers on Army's equal opportunity policy and warn against extremist organizations and activities**
- **Extremist organizations and activities: advocate racial, gender or ethnic hatred or intolerance; advocate create or engage in illegal discrimination based on race, color, gender, religion or national origin; or advocate the use of or use force or violence or unlawful means to deprive individuals of their rights under the Constitution or laws.**
- **(Para. 4-12)**

EXTREMIST ORGANIZATION PROHIBITIONS

- Participating in public demonstrations or rallies
- Attending a meeting or activity with knowledge that it involves an extremist cause when on duty, when in uniform, when in a foreign country (on or off duty, in or out of uniform), when it constitutes a breach of law or order, or when likely to result in violence or in violation of off-limits order.
- Fundraising
- Recruiting or training members and encouraging others to join
- Creating, organizing or taking a visible leadership role in such an organization or activity
- Distributing literature on or off an installation in support of such organizations and activities

COMMAND AUTHORITY OVER EXTREMIST MATERIALS & ACTIONS

- Can prohibit military personnel from engaging or participating in activities the commander feels will adversely affect good order and discipline or morale.
- Can order removal of symbols, flags, posters, or other displays from barracks
- Can place areas or activities off-limits
- Can order soldiers not to participate in banned activities
- (Para. 4-12)

FRATERNIZATION

- Relationships between soldiers of different ranks are prohibited when:
  - ∀ • Compromise or appear to compromise the integrity of supervisory authority or chain of command
  - ∀ • Cause actual or perceived partiality or unfairness
  - ∀ • Involve or appear to involve improper use of rank or position for personal gain
  - ∀ • Are or appear to be exploitative or coercive in nature
- Create an actual or clearly predictable adverse impact on discipline, authority, morale, or ability of command to accomplish mission

BANNED OFFICER AND ENLISTED RELATIONSHIPS

- **On-going business relationships. Except landlord/tenant relationship or one-time transactions to buy car, house, etc. No borrowing or lending money or commercial solicitation.**
- **Dating, shared living accommodations, intimate or sexual relationships, except:**
- **- change in status causes noncompliance (enlisted member is commissioned or becomes a warrant)**
- **- USAR & Natl Guard where exists die to civilian association**
- **Gambling**
- **Not intended to preclude "normal" team building associations in the context of community organizations, religious activities, family gatherings, unit-based social functions or athletic teams**
- **Punishable under UCMJ**
- **(Paras. 4-14 & 4-16)**

HOMOSEXUAL CONDUCT

- **Homosexuals are not barred from service, but**
- **No statements, acts or marriage of a homosexual nature as these demonstrate a propensity or intent to engage in homosexual acts**
- **Will not ask applicants sexual preference**
- **Is grounds for separation**

HOMOSEXUAL CONDUCT INQUIRIES

- **Commander may start only when receives credible information.**
- **So, first must determine that credible information exists of S-A-M in consultation with legal advisor. Not present if; mere suspicion; opinion of others; based on rumors; based on associational activity - at homosexual bar, seen with known homosexuals, in homosexual rights rally in civilian clothes.**
- **If credible information exists, may conduct very limited inquiry unless HQDA approval**
- **Statement of homosexuality creates a rebuttable presumption of a propensity to commit the act - soldier must rebut by preponderance of evidence**
- **(Para. 4-19)**

HAZING

- **Not in keeping with dignity and respect**
- **Any conduct which causes a soldier or employee to suffer, or be exposed to an activity which is cruel, abusive, oppressive or harmful. E.g. rite of passage and/or "blood" stripes**
- **Punitive provision**

INFORMAL FUNDS

- **Commanders may authorize informal funds like office coffee, cup and flower, annual picnic funds.**
- **One person is fund custodian - must do accounting and documentation. Must advise supervisor of fund status annually.**
- **Must comply with the JER**

OTHER PROVISIONS COVERED IN AR 600-20

- **Political activities (Para. 5-3)**
- **Medical care (Para. 5-4)**
- **Mental health evaluations (Para. 5-4b & DODD 6490.1)**
- **Immunizations (Para. 5-4c2)**
- **On-post distribution of nongovernment printed materials (Para. 5-9)**

FAMILY CARE PLANS

- **Single parents and dual military couples face special mission, readiness and deployability challenges**
- **Plans must ensure family members are taken care of when the soldier is deployed , TDY or otherwise unavailable**
- **Family Care Plan, DA form 5305-R is the means by which soldiers provide for their families while away. Must include power of attorney, certificate of acceptance as guardian or escort, application for DEERS enrollment for each family member, authorization to start/stop an allotment, and a letter of instruction to the guardian/escort.**
- **(Para. 5-5)**

FAMILY CARE PLAN COUNSELING

- **Commander must counsel:**
  - **A pregnant soldier who has no spouse; is divorced, widowed, separated; or is residing without her spouse or is married to another service member of an Active or Reserve component of a service.**
  - **A soldier who meets the above criteria and has joint or full legal and physical custody of at least one family member under age 19, or an adult family member incapable of self-care.**

FAMILY CARE PLAN COUNSELING

- **A divorced soldier who has liberal or extended visitation rights by court decree which allow care over 30 consecutive days**
- **A soldier whose spouse is incapable of self-care or otherwise physically, mentally, or emotionally disabled requiring special assistance**
- **A soldier categorized as half of a dual-military couple of any service who has joint or full custody of at least one family member under 19, or an adult family member incapable of self-care**

- **(Para. 5-5b)**

FAMILY CARE SEPARATION COUNSELING

- Enlisted and Officers will be counseled on voluntary and involuntary separations whenever parenthood interferes with military responsibilities
- (Para. 5-5 d&e)

FAMILY CARE PLAN MECHANICS

- **Detailed procedures in Para. 5-5.**
- **May grant additional time for completion**
- **Dual military couples - both must sign and should submit same plan. If both commanders approve, each keeps a copy**
- **Recertify annually**
- **Failure may render ineligible for overseas assignment, separation, Bars, etc.**
- **(Para. 5-5)**

RELIGIOUS PRACTICES

- **Accommodate unless it will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, discipline, safety and/or health ("military necessity"). Requests go to Commander. If disapproved, goes up through COC (unless approved) to DCSPER, HQDA along with supporting materials, legal review, chaplain's interview memorandum**

RELIGIOUS PRACTICES

- **Worship practices: unless military necessity, accommodate. If time falls within normal duty hours or rosters, soldier may be required to perform alternative duty or duty hours. May grant leave for long holy periods**
- **Dietary Practices: Accommodate unless military necessity. May allow personal supplemental rations.**

RELIGIOUS PRACTICES

- **Medical Practices:**

Tougher issue - accommodate unless military necessity.

RELIGIOUS PRACTICES

- **Medical (cont.) For non-emergencies, unit and MTF must consider the time constraints for recuperation without medical care. If refuses treatment, a medical board is convened to make recommendation. If still recommended and refused goes to The Surgeon General. If still approved and refused, referred to Special Court-Martial Convening Authority for any action deemed necessary.**

RELIGIOUS PRACTICES

- **Medical (cont.) For emergencies, the MTF may order or attending physician may take immediate steps to save soldier's life**

RELIGIOUS PRACTICES

- **Wear and Appearance of Uniform: Religious jewelry, apparel, or articles may be worn in uniform and must be neat, conservative, discreet. If not visible, no problem. If visible, must meet standards of AR 670-1.**

RELIGIOUS PRACTICES

- **- May wear religious items which don't meet AR 670-1 at a worship service. Commanders may limit for military necessity (e.g bright vestments in field).**
- **- Religious headgear okay if subdued color, can be completely covered by standard headgear, no writing, symbols or pictures, does not interfere with protective clothing or equipment**

RELIGIOUS PRACTICES

- **Personal grooming: must comply with AR 670-1**
- **(Para. 5-6)**

WHISTLEBLOWER PROTECTIONS

- **Commanders and supervisors are prohibited from initiating any type of disciplinary or adverse action against a soldier or civilian employee based on that person making a complaint**
- **- with an IG**
- **- with a member of the COC or supervisor**
- **- with an EO office**

WHISTLEBLOWER PROTECTIONS

- **- and/or cooperated with an official government investigation of a complaint**
- **∀• However, knowingly false statements made by a complainant or witness are subject to adverse and disciplinary action**
- **(Para. 5-8)**

WHISTLEBLOWER PROTECTION ACT

- **No reprisal for filing a complaint of unlawful discrimination or sexual harassment**
- **- may not restrict soldier from protected communication with Congress, an IG, a DoD audit, inspection, investigation or law enforcement organization**
- **no threats or actions or reprisal - report to DoD IG**

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

- **Commanders at all levels are the EO officers within units**
- **Commanders are personally responsible and accountable for the EO climate in unit**
- **Commanders must develop and implement EO programs that enhance unit cohesion, esprit and morale**

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

- **Commanders must inform GCMCA within 72 hours of receipt of an EO complaint**
- **Commanders have numerous personal responsibilities to make the program work**

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

- **Equal Opportunity Advisors administer the Commander's EO program**
- **EOAs train, assess and assist**
- **Receive and process complaints**
- **Mandatory staffing levels (Para. 6-4)**
- **(Para. 6-3)**

OFF-LIMITS SANCTIONS

- **Requires thorough investigation, limited due process**
- **Consult with legal advisor**
- **(Para. 6-5)**

SEXUAL HARASSMENT

- **Commander has responsibility to prevent. Must educate unit, post signs, written guidance on how to make complaints.**
- **POSH (Prevention of Sexual Harassment) training mandatory - at least twice each year.**

EQUAL OPPORTUNITY COMPLAINTS

- **Covers discrimination or unfair treatment on the basis of race, color, religion, gender, national origin**
- **Should solve at the lowest possible level**
- **Should be made to chain of command (COC)**
- **May be made to alternative agencies**

INFORMAL EO COMPLAINTS

- **Can try to resolve and maintain complainant's confidentiality**
- **Receiving agency must talk to complainant, learn basis for complaint**
- **Receiving agency must advise complainant of rights and responsibilities**
- **Receiving agency must inform complainant of agency's role and support services available from other agencies**
- **Receiving agency must explain complaint system**

FORMAL EO COMPLAINTS

- **Must be sworn to in writing on DA Form 7279R. Any commission officer can swear.**
- **Must state the concern, names, dates, incidents**
- **An EO complaint must state the EO basis (e.g. race)**
- **Must state the requested remedy. Receiving agency must dispel unrealistic expectations**
- **Must be made within 60 days from incident (may be waived)**

ALTERNATIVE RECEIVING AGENCIES

- **Must note receipt in Part 1, Item 9b**
- **Must refer to commander within 3 calendar days**
- **Criminal activity must be referred to CID, PMO**
- **In sex assault or rape cases must immediately report to medical agencies**
- **Housing discrimination (on & off post) must be reported to housing office**
- **Complaints against high ranking soldiers and civilians must be referred to HQDA IG**

COMMAND RESPONSIBILITIES

- **Must ensure complaint sworn – if not, administer oath**
- **Must report within 72 hours to GCMCA. Progress reports at 20 days and each 14 days thereafter**
- **Commander does investigation or appoints 15-6**
- **Must establish reprisal plans**
- **If extension necessary, must request from next higher commander. If approved must inform complainant**

INVESTIGATIONS

- IO must receive legal advice
- IO must meet with EOA for consultation and assistance
- Must interview all those with first-hand knowledge of facts and those who can substantiate relationships, etc.
- IO should note concerns or observations of unit policy, procedures and individual leadership or management techniques
- EOA must review before submission to appointing authority

APPOINTING AUTHORITY ACTION

- **Must submit to servicing JA for legal review**
- **Decides if further investigation is required, or whether to approve all or part of findings and recommendations**
- **If substantiated, must act to correct**
- **If unsubstantiated, must look at causes to determine if punishment warranted**

APPOINTING AUTHORITY ACTION

- **Must advise complainant of outcome and any specific action taken against perpetrator**
- **Must advise of right to appeal within 7 days**
- **If appealed, must refer within 3 days to next higher commander for decision within 14 days**